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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**

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IN RE: Bard IVC Filters Products Liability  
Litigation,

No. MDL 15-02641-PHX-DGC

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11 Lisa Hyde and Mark E. Hyde, a married  
12 couple,

No. CV-16-00893-PHX-DGC

13 Plaintiff,

**ORDER**

14 v.  
15 C. R. Bard, Inc., a New Jersey corporation;  
16 and Bard Peripheral Vascular, Inc., an  
Arizona corporation,

17 Defendants.

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20 The parties have submitted deposition and trial excerpts for the Court's review.  
21 This order includes the Court's ruling on objections contained in some of these excerpts.  
22 The order will identify objections by the number of the transcript page on which they  
23 appear. If more than one objection appears on a page, the order will either identify the  
24 line on which the objection starts or, if the ruling is the same for all objections on the  
25 page, will simply identify the page. Where an objection is sustained, the order will  
26 identify the page and lines that should be omitted, but if no lines are identified, the  
27 objection is sustained with respect to all designated testimony on that page. The Court  
28 notes that some of the objections in these transcripts are very confusing, with multiple

1 colors, no indication of which party is making which objection, and some apparent  
2 references to prior Court rulings without explanation. The Court has done its best to  
3 understand what the parties are asserting on these pages, and has no time for the parties to  
4 redo the submissions.

5 A. Daniel Orms.

- 6 1. 24 – overruled.
- 7 2. 138-39 – overruled.
- 8 3. 146 – overruled.
- 9 4. 147 – overruled.
- 10 5. 176-78 – overruled.
- 11 6. 222-24, 230-31 – overruled.
- 12 7. 241 – overruled.
- 13 8. 282-83 – overruled.
- 14 9. 284-86 – overruled.

15 B. Christopher Ganser.

- 16 1. 59 – no testimony designated.
- 17 2. 61 – overruled.
- 18 3. 63 – overruled.
- 19 4. 65 – overruled.
- 20 5. 67 – overruled.
- 21 6. 69-71 – overruled.
- 22 7. 76 – overruled.
- 23 8. 78-79 – overruled.
- 24 9. 81-82 – overruled.
- 25 10. 86-87 – sustained. Hearsay.
- 26 11. 94-95 – overruled.
- 27 12. 96 – overruled.
- 28 13. 128 – overruled.

- 1        14. 133 – overruled.
- 2        15. 134 – overruled.
- 3        16. 135:15 to 137:11 – sustained. Rule 602.
- 4        17. 140:19 to 141:10 – sustained. Rule 602.
- 5        18. 159 – overruled.
- 6        19. 170 – overruled.
- 7        20. 208:12-22 – sustained, otherwise overruled.
- 8        21. 209 – overruled.
- 9        22. 237-38 – overruled.
- 10      23. 244 – overruled.
- 11      24. 246-47 – overruled. Questions call for his own knowledge.
- 12      25. 253:7 to 254:16 – sustained. Rule 602.
- 13      26. 258 – overruled.
- 14      27. 259 – overruled.
- 15      28. 260-61 – overruled.
- 16      29. 268-69 – overruled.
- 17      30. 280-81 – overruled.
- 18      31. 294 – overruled.
- 19      32. 298 – no testimony designated.

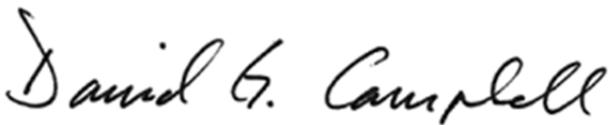
20 C. John DeFord.

- 21        1. 55:6 to 56:1 – sustained.
- 22        2. 93 – overruled.
- 23        3. 116 – sustained.
- 24        4. 117:2 to 122:6 – if Defendants stand by their objection to evidence of  
25              Recovery cephalad migrations deaths (an objection the Court has  
26              sustained), then none of this testimony should be presented. It all concerns  
27              those deaths, and permitting Dr. DeFord’s long narratives outside of that  
28              context would be unfair to Plaintiffs.

- 1       5. 129-30 – overruled, but exclude “and patients’ lives were being saved”
- 2                  at 130:18-19).
- 3       6. 133:7 to 134:23 – withdrawn by Defendants.
- 4       7. 135-36 – sustained given Court’s ruling on cephalad migration deaths.
- 5       8. 137:14 to 138:11 – withdrawn by Defendants.
- 6       9. 138:13 – overruled.
- 7       10. 139:2 to 141:5 – overruled.
- 8       11. 219-20 – overruled.
- 9       12. 226 to 227:10 – overruled.
- 10      13. 227:12 to 227:2 – overruled. 227:3-12 withdrawn by Defendants.
- 11      14. 228:14 to 230:4 – overruled.
- 12      15. 230:4 to 231:17 – overruled.
- 13      16. 237:5-22 – overruled.
- 14      17. 237:23 to 238:12 – Plaintiffs object to their own designation for most of
- 15                  this question and answer. Sustained.
- 16      18. 238:13-22 – overruled.
- 17      19. 238:23 to 239:5 – Plaintiffs object to their own designation. Sustained.
- 18      20. 239:6 to 240:19 – overruled.
- 19      21. 240:20 to 241:18 – overruled.
- 20      22. 242:16 to 244:1 – overruled.
- 21      23. 278 – Court stands by its prior ruling.
- 22      24. 278:21 to 279:19 – sustained. This testimony essentially opines that the
- 23                  FDC ensures safety and efficacy in the 510(k) process, evidence that risks
- 24                  confusing the jury to an extent that substantially outweighs the probative
- 25                  value. Rule 403.
- 26      25. 280:14 to 281:4 – same.
- 27      26. 281:16 to 282:3 – Plaintiffs can play all or none of this question and
- 28                  answer, but cannot in fairness eliminate the second half of the answer.

1 Plaintiffs' choice.  
2 27. 282-83 – no objection.  
3 28. 317 to 318:13 – overruled.  
4 29. 318:18 to 319:20 – overruled.  
5 30. 325-26 – overruled.  
6 31. 395-96 – sustained. This testimony – like some other failure-to-warn type  
7 testimony the Court has excluded in this and previous orders – goes to a  
8 duty to warn, which is not at issue. The Court has not excluded testimony  
9 on actual warnings given (or not given) by Defendants in light of  
10 Defendants' intention to argue that product warnings and physician  
11 common knowledge are to be considered in deciding whether the product  
12 was not reasonably safe.

13 Dated this 13th day of September, 2018.

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17 David G. Campbell  
18 Senior United States District Judge  
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